Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Rezoning - land located at 1301 - 1357 Kenaston Boulevard - Assiniboia Community

File DAZ 215/2001
[c/r DAV 268/2001D and DASSF 539/99]

15. The Standing Policy Committee on Property and Development has been advised that an application has been received from Tuxedo Business Park Inc. (Bill Kerr), 1 Terracon Place, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the land outlined from an "M3" Industrial District to an "M2" Industrial District to allow for a broader range of uses.

Site Area
The subject site is about 21 acres.

Existing Land Use and Zoning
The subject site is vacant land zoned "M3" Industrial District.

Surrounding Land Use and Zoning

North:	CN Intermodal Yard zoned "M3" Industrial District
South:	Across City right-of-way, Lafarge Canada Inc. lands zoned "M3" Industrial District
East:	Rothwell Road/Lawson Street industrial subdivision zoned "M3" Industrial District
West:	Fort Whyte Nature Centre zoned "A" Agricultural District

The proposal is to rezone about twenty-one (21) acres of land for the construction of several single- and multi-tenant industrial buildings. The project is the first stage of what the applicant calls the Tuxedo Business Park. The development was made possible by the decision of Lehigh Portland Cement Limited to dispose of their surplus lands. The entire holding spanned some 228 acres. The company retained sufficient lands for the continued operation of their cement product unloading, storage, and distribution facility. Some of the surplus lands were acquired by the Fort Whyte Nature Centre for the expansion of the nature preserve, and by the City of Winnipeg for land drainage purposes. The applicant acquired the lands fronting Kenaston Boulevard comprising about 75 acres. The subdivision was dealt with under File DASSF 539/99.

The applicant's concept plan for the business park illustrates the construction of a number of free-standing and strip buildings and related parking areas buffered by landscaped strips interspersed with small storm water retention ponds. Access to Kenaston Boulevard would occur via a westerly extension of Rothwell Road, initially as a private roadway. For construction of the adjoining phase of the business park, a second point of access to Kenaston Boulevard would be provided via City right-of-way bounding the lands on the south and currently used by the City for access to their snow dump.

The requirements for land dedication or cash-in-lieu have been satisfied by the applicant in that lands were deeded to the City for land drainage purposes as detailed in the Development Agreement AG 539/99. The land dedication clause has therefore been omitted from the recommendations for approval.

A related zoning variance under File DAV 268/2001D would permit the establishment of offices as a principal use of land within the subject "M3" lands in anticipation of Council approval of DAZ 215/2001. The Planning, Property and Development Department recommended against the application for reasons outlined below.

The application to rezone the subject lands to "M2" Industrial District technically complies with Plan Winnipeg in that the rezoning from "M3" to "M2" is occurring within an Industrial Policy Area. Moreover, Policy 5A-32 encourages the development of "privately developed industrial park subdivisions" within Industrial Policy Areas. However, the Planning, Property and Development Department is of the opinion that the application may conflict with the objective in Plan Winnipeg of protecting industrial policy areas from the encroachment of non-industrial uses. Although the applicant is calling his development a "Business Park", the proposed "M2" zoning would allow the proliferation of suburban office and retail uses. Plan Winnipeg states that the City's industrial areas should be "supported in a manner which makes them stable and attractive and able to meet market demands".

The Development Management Branch of the Planning, Property and Development Department is of the opinion that the current application could further erode the industrial land base of the City by allowing the proliferation of non-industrial uses like office buildings and retail outlets. This development would also occur at the expense of the existing commercial zones in the downtown and suburban areas, further fragmenting such development within the City.

The Planning, Property and Development Department is generally supportive of the applicant's plans to develop a business park on the subject lands, depending upon the definition of "business park". The lands are upwind of the Linden Woods residential community. The current "M3" zoning would permit several heavy industrial uses that could be detrimental to the residential environment. Also, the development of a business park implies a higher standard of building design and site landscaping. This is appropriate on Kenaston Boulevard as the street provides primary access to the Whyte Ridge residential community and the burgeoning commercial sector at the intersection of Kenaston and McGillivray Boulevards.

At the same time, the Planning, Property and Development Department is concerned about the proposed "M2" rezoning as it allows for a proliferation of retail and office uses. The Department is of the opinion that the lands should be retained primarily for industrial or wholesale users requiring a combination of office, warehouse, storage, manufacturing, fabrication and assembly space. A more appropriate zoning district for the lands, given their prominent location, would be "MP-1" Industrial District. The Winnipeg Zoning By-law No. 6400/94 describes the "MP-1" zoning district as providing for "development to industrial park standards" (Section 800-5). For instance, "MP-1" does not permit outside operations or storage and any new construction within the zone requires Building Design Board approval.

The "MP-1" district does not permit retail uses or offices as a principal use of land. The Planning, Property and Development Department is of the opinion that the "M2" Industrial District's flexibility in allowing office and retail uses can be detrimental to industrial users by inflating the cost of land and rents and by introducing uses which, by nature of their hours of operation and traffic generation, conflict with industrial operations. These problems have emerged in recent decades coincident with suburban residential expansion and the decentralization of commercial and office uses. The Department is of the opinion that Fort Garry has sufficient lands for commercial expansion and enough existing "M2" zoning within the Whyte Ridge and Chevrier industrial areas.

It is the recommendation of the Planning, Property and Development Department that the application to rezone the lands to "M2" Industrial District be denied, and that the lands be rezoned "MP-1" Industrial District. The Development Management Branch of the Planning, Property and Development Department is of the opinion that a rezoning to "MP-1" could be recommended for approval as it is a more restrictive zoning category than the one advertised.

If the lands are rezoned "MP-1", a Zoning Agreement would not be required. However, should the lands be rezoned to "M2" Industrial District, the Administration recommends that a Zoning Agreement be entered into prohibiting, in particular, office and retail uses and outside storage or operations.

On July 10 and September 18, 2001, a public hearing was held before the Assiniboia Community Committee. Two persons appeared in support of the application, and no one was registered in opposition thereto.

The Assiniboia Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The subject application will downzone the property from the current "M3" which permits several heavy industrial uses that could be detrimental to the residential environment.
2. The proposed development will be much more compatible with the surrounding area.
3. The development of a business park implies a higher standard of building design and site landscaping which will be appropriate on Kenaston Boulevard.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 215/2001 dated June 25, 2001, to an "M2" Industrial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That prior to the issuance of a development permit, detailed plans showing site layout, parking, access, building elevations and materials, signage, landscaping, fencing, and garbage enclosures be submitted for the approval of the Assiniboia Community Committee.

      2. That the following uses be prohibited on the lands:
         - Amusement devices, accessory
         - Animal pound, kennel
         - Art/crafts/hobby: instruction, sale of supplies
         - Auction yard
         - Bank, credit union
         - Banquet hall, dance hall
         - Barber shop, beauty salon
         - Bicycle: rental, sale service
         - Bingo parlour
         - Bowling alley
         - Cabaret
         - Cocktail lounge
         - Dating and escort service
         - Drive-through facility
         - Florist

- Gift store
- Grocery, confectionary
- Hotel, motel
- Jeweller, watchmaker
- Musical instruments, sale, service, instruction
- Parish hall
- Pawn shop
- Pet sales, supplies, except wholesale
- Restaurant over 3,500 square feet
- Drive-through restaurant
- Sign, advertising
- Theatre, cinema, concert hall
- Toy sales

3. That free-standing signage be limited to a height of eight (8) feet and a maximum sign surface area of forty-eight (48) square feet.

4. That a landscaped yard of twenty-five (25) feet be provided adjacent to City rights-of-way including Kenaston Boulevard.

5. That the following minimum yards be provided:
   - front yard: 25 feet
   - rear yard: 25 feet;
   - interior side yard: 15 feet
   - corner side yard: 20 feet.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Schedule "A" referred to in Clause 15 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. DAZ 215/01

Explanation

A proposed change to By-law No. 6400/94 by rezoning the land at 1301 - 1357 Kenaston Boulevard from an "M3" INDUSTRIAL DISTRICT to an "M2" INDUSTRIAL DISTRICT as shown outlined below.

Atlas Sheet No. AG19 ASSINIBOIA COMMUNITY

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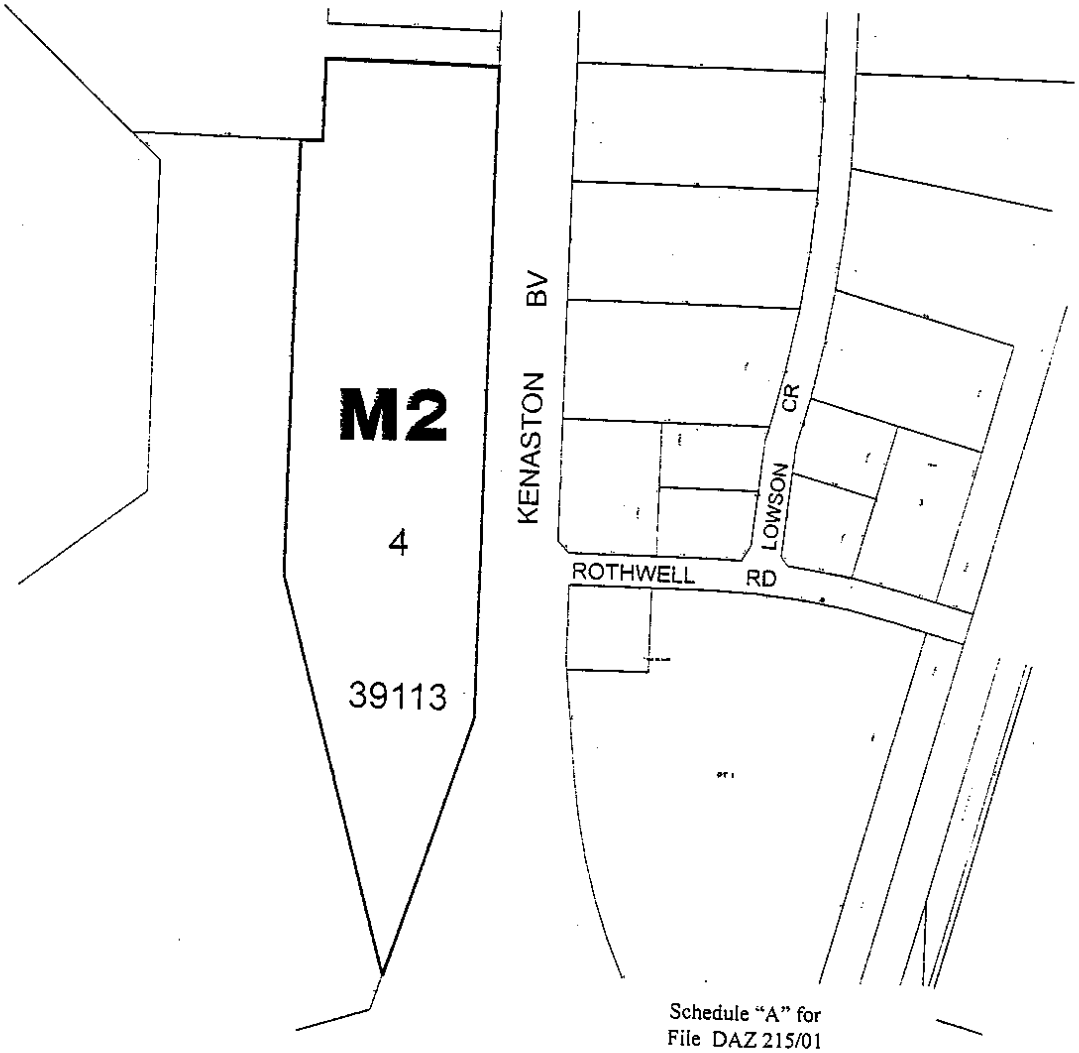

Schedule "A" for
File DAZ 215/01
Assiniboia Community Committee
June 25, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____